

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant : Keiichi Kobata, et al.  
Appln. No. : 10/764,851  
Filed : January 26, 2004  
Title : WIRELESS HEADPHONE APPARATUS AND WIRELESS HEADPHONE  
SYSTEM

Conf. No. : 9784  
Art Unit : 2618  
Examiner : Lana N. Le

Customer No. : 116  
Docket No. : 36394

Mail Stop AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**REQUEST FOR REFUND**

Commissioner for Patent  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

On January 26, 2004, applicant filed the above-referenced patent application with the United States Patent and Trademark Office. At the time of initial filing, applicant paid the \$290 multiple dependent claim fee required with check no. 58438. A copy of the Fee Transmittal for FY 2004 and a copy of the check are attached. Applicant paid to the Patent Office, a total of \$1,172. The fees included on this check as seen on the Fee Transmittal included:

\$ 770	Utility Filing fee
72	4 claims in excess of 20; and
<u>290</u>	Multiple Dependent claims
<b>\$1,172</b>	<b>TOTAL</b>

After the filing of an Amendment dated December 29, 2006, applicant was charged a second time a \$360 multiple dependent claim fee. A copy of the Deposit Account Statement of February 1, 2007 is attached.

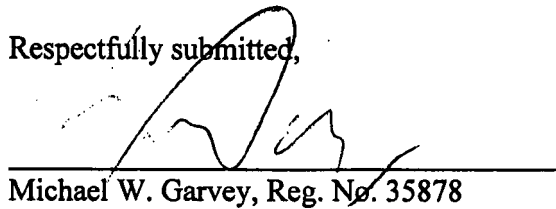
On February 15, 2007, a Request for Refund was filed with the Patent Office (attached). In a Response to Request dated March 22, 2007, also enclosed, our request for refund was denied because "*It has been discovered that the initial request for the charge of the first presentation of multiple dependent claims was never processed.*"

Whether or not the multiple dependent claims were *never processed* by the Patent Office, applicant is entitled to the \$360 refund because applicant had already paid the \$290 (see copy of check no. 58438), and should not be charged duplicate charges for multiple dependent claims because Patent Office's failure to process the initial request properly.

Even if applicant had not paid the \$290.00 multiple dependent claim fee at the time of filing, the Patent Office should have charged \$290, not \$360.00, because the filing fee for multiple dependent claims in 2004 was only \$290, an overcharge of \$70.

Applicant respectfully requests that the \$360.00 fee deducted from our deposit account in connection with the *duplicate* multiple dependent claim fees be credited to Deposit Account No. 16-0820 (Order No. 36394).

Respectfully submitted,



Michael W. Garvey, Reg. No. 35878

Dated: May 14, 2007

1801 East 9<sup>th</sup> Street  
Suite 1200  
Cleveland, Ohio 44114-3108  
(216) 579-1700

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**FEE TRANSMITTAL  
for FY 2004**

Effective 10/01/2003. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27**TOTAL AMOUNT OF PAYMENT** (\$) 1172**Complete if Known**

Application Number	
Filing Date	
First Named Inventor	Kelichi Kobata
Examiner Name	
Art Unit	
Attorney Docket No.	36394

**METHOD OF PAYMENT (check all that apply)**☒ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None☒ Deposit Account:Deposit  
Account  
Number  
Deposit  
Account  
Name

16-0820

Peame &amp; Gordon LLP

The Director is authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☒ Credit any overpayments☒ Charge any additional fee(s) or any underpayment of fee(s)☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.**FEE CALCULATION****1. BASIC FILING FEE**

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1001	770	2001	385	Utility filing fee	770
1002	340	2002	170	Design filing fee	
1003	530	2003	265	Plant filing fee	
1004	770	2004	385	Reissue filing fee	
1005	180	2005	80	Provisional filing fee	
<b>SUBTOTAL (1)</b>					<b>(\$ 770)</b>

**2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE**

		Extra Claims		Fee from below	Fee Paid
Total Claims	24	-20** =	4	x	18 = 72
Independent Claims	1	-3** =	0	x	0 = 0
Multiple Dependent				290	= 290 ←

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1202	18	2202	9	Claims in excess of 20	
1201	88	2201	43	Independent claims in excess of 3	
1203	290	2203	145	Multiple dependent claim, if not paid	
1204	88	2204	43	** Reissue independent claims over original patent	
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent	
<b>SUBTOTAL (2)</b>					<b>(\$ 362)</b>

\*\*or number previously paid, if greater. For Reissues, see above

**FEE CALCULATION (continued)****3. ADDITIONAL FEES**

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for ex parte reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	420	2252	210	Extension for reply within second month	
1253	950	2253	475	Extension for reply within third month	
1254	1,480	2254	740	Extension for reply within fourth month	
1255	2,010	2255	1,005	Extension for reply within fifth month	
1401	330	2401	165	Notice of Appeal	
1402	330	2402	165	Filing a brief in support of an appeal	
1403	290	2403	145	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,330	2453	665	Petition to revive - unintentional	
1501	1,330	2501	665	Utility issue fee (or reissue)	
1502	480	2502	240	Design issue fee	
1503	640	2503	320	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	
1807				Multiple dependent claim fee paid	
1806	180	1806	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	40
1809	770	2809	385	Filing a submission after final rejection (37 CFR 1.129(a))	
1810	770	2810	385	For each additional invention to be examined (37 CFR 1.129(b))	
1801	770	2801	385	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	

Other fee (specify)

\*Reduced by Basic Filing Fee Paid

**SUBTOTAL (3)** (\$ 40**SUBMITTED BY**

Name (Print/Type) Jeffrey J. Sopko

Signature

Registration No.  
(Attorney/Agent) 27676

(Complete if applicable)

Telephone 216-579-1700

Date January 26, 2004

**WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.14 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS.

SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

01/21/2004 ARI.36394

APPL'N ASSNMNT ADDT'L CLM

1,172.00

\*\*\*\*1,172.00

58438

**PEARNE & GORDON LLP**

1801 EAST 8TH ST., SUITE 1200  
CLEVELAND, OH 44114-3108

**THE HUNTINGTON NATIONAL BANK**

CLEVELAND, OHIO 44115  
6-15-410

\*One thousand one hundred seventy two and 00/100

PAY  
TO THE  
ORDER  
OF

COMMISSIONER OF PATENTS & TM'S  
P.O. BOX 1450  
ALEXANDRIA, VA 22313-1450

DATE

AMOUNT

01/21/2004

\*\*\*\*1,172.00

*[Signature]*

Express Mail: EL 981274381-15 No. 22151  
Inventor / Applicant: Keiichi Kobata  
Title: Wireless Headphone Apparatus and Wireless Headphone  
Serial No. \_\_\_\_\_ Patent No. \_\_\_\_\_ Date: \_\_\_\_\_  
Filed: \_\_\_\_\_ Examiner: \_\_\_\_\_  
Enclosed Are:  
☒ **PATENT APPLICATION**  
☒ New Application Transmittal  
☒ Fee Transmittal (in duplicate)  
☒ Application Data Sheet  
☒ Declaration & Power Of Attorney 3 pgs.  
2 Pgs. of Claims  
4 Sheet(s) of Drawing(s)  
☒ Formal ☐ Informal  
☐ Continuation or Division  
☒ **ASSIGNMENT** 2 pgs.  
☒ Transmittal(s)  
☐ Original ☐ Copies  
☐ **INFORMATION DISCLOSURE**  
☐ PTO-1449 ☐ Refs.  
☐ **AMENDMENT** \_\_\_\_\_  
in Response to Paper No. \_\_\_\_\_  
Priority Documents 2 listed below  
Other Fast Track, Abstract  
JP 2003-033986  
JP 2003-044574  
CHECK(S) IN THE AMOUNT(S) OF  
\$ 1172 \$ \_\_\_\_\_  
Client Code ART Doc. No. 36394  
Int. Imm Date 1/26/04  
ACKNOWLEDGES RECEIPT OF:

10/2

FORM ONLY

**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Appl. No. : 10/764,851  
Applicant : Keiichi Kubota et al.  
Filed : January 26, 2004  
Title : "WIRELESS HEADPHONE APPARATUS AND WIRELESS  
HEADPHONE SYSTEM"  
  
Conf. No. : 9784  
TC/A.U. : 2618  
Examiner : LE, LANA N  
  
Customer No. : 00116  
Docket No. : 36394

**REQUEST FOR REFUND**

Commissioner of Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450  
Attn: Refund Section, Accounting Division  
Office of Finance

Sir:

As indicated on the attached PTO/SB/17, applicant paid the \$290.00 multiple dependent claim fee with the original filing fee paid on January 26, 2004. However, when an amendment was filed on December 29, 2006, applicant was charged a \$360.00 multiple dependent claim fee although the fee had been paid at the time of filing.

Accordingly, applicant requests a refund in the amount of \$360.00 be credited to Deposit Account No. 16-0820, Order No. 36394.

Respectfully submitted,  
PEARNE & GORDON LLP

By: /michael w garvey/  
Michael W. Garvey, Reg. No. 35878

1801 East 9<sup>th</sup> Street  
Suite 1200  
Cleveland, Ohio 44114-3108  
(216) 579-1700  
February 15, 2007

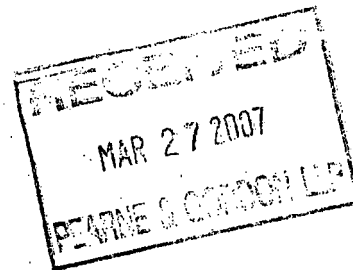


# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/764,851	01/26/2004	Keiichi Kobata	36394	9784
116 7590 03/22/2007 PEARNE & GORDON LLP 1801 EAST 9TH STREET SUITE 1200 CLEVELAND, OH 44114-3108			EXAMINER LE, LANA N	
			ART UNIT 2618	PAPER NUMBER
			MAIL DATE 03/22/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.





UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

In re Application of  
Keiichi Kubota et al  
Application No. 10/764, 851  
Filed: January 26, 2004

:  
:  
:

RESPONSE TO REQUEST

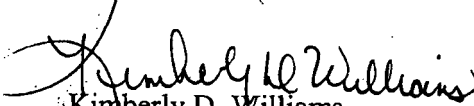
This is in response to your letter submitted on February 15, 2007 wherein you requested a refund in the above-identified application.

After thorough inspection of U.S. Patent and Trademark Office physical records in the above identified application and Revenue Accounting Management financial records, it is determined that you are not entitled to a refund.

It has been discovered that the initial request for the charge of the first time presentation of multiple dependent claims was never processed. Therefore, the charge of \$360.00 that appeared on the statement for January 10, 2007 is valid.

In view of the above the request for refund is **denied**.

Telephone inquiries concerning this matter may be directed to the undersigned at 571-272-7282.

  
Kimberly D. Williams  
Supervisory Legal Instruments Examiner  
Office of the Assistant Commissioner for Patents  
Technology Center 2600

~~Charge statement~~